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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/320,643	05/27/1999	MARCO PIVA	Q-54188	5053

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EXAMINER

LEE, DIANE I

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 09/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/320,643

Applicant(s)

PIVA ET AL.

Examiner

Diane I. Lee

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-78 is/are pending in the application.
- 4a) Of the above claim(s) 34-41, 51 and 68-70 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36, 37, 42-50 and 52-67 is/are rejected.
- 7) ☐ Claim(s) 71-78 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The request filed on 29 July 2002 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on prior Application No.09/320,643 is acceptable and a CPA has been established. An action on the CPA follows..

2. Receipt is acknowledged of the Amendment filed 27 July 2002. Claims 36-37 have been amended and no claims have been newly added. Currently, claims 36-78 are pending in this application, and wherein claims 34-41, 51, 68-70 were withdrawn from further consideration for they are drawn to an a non-elected claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 36, 37, 42-46, 48-50, 52-55, and 62-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilt et al. [US 5,737,122-referred as Wilt] in view of Roustaei [US 5,532,467].

Re claims 36, 37, 45-46: Wilt discloses an illumination system 74 for an optical code reading apparatus (see the abstract and col. 1, lines 54+), comprising:

1 a casing 112 (see figures 4-7);

2 a reading window open into the casing (see figure 5);

3 an illuminating means 118, 120 housed within the casing and arranged to act on an optical code to be
4 read through the reading window (see figure 5);

5 a detection means 76 responsive to light scatter from the light illuminated optical code into the casing
6 through the reading window (see figures 4-9);

7 an objective lens 78, 104 having an optical axis, the objective lens being housed within the casing
8 between the reading window and the detection means and being located to pick up light scattered from the
9 illuminated optical code 110 and project the picked-up light onto the detection means. Wherein the detection
10 means comprises a plurality of light-sensitive elements capable of converting the light to electric signals
11 representing the light image, e.g., 6.6 x 8.8 mm charge coupled device (CCD sensor) (see col. 6, lines 24+
12 and figures 4-6);

13 wherein the illumination means comprises a first array of light sources 118 and at least second array
14 of light sources 120, said light sources of the first and second array of light sources being selectively
15 activated in order to define a first illumination configuration for illuminating an optical code placed within a
16 first optical path and at least a second illumination configuration, different from the first one, for illuminating
17 an optical code having a second optical path, the second optical path being different from the first optical
18 path (see col. 7, lines 52+ and figures 5-7). Wherein each illumination configuration corresponds to the
19 specific selection of the source and intensity selected by the operator for illuminating an optical code having a
20 variety of viewing conditions (see col. 7, lines 45+).

21 Wilt does not teach the first and the second illuminating configurations for illuminating an optical
22 code placed within a first distance range and a second distance range differ from the first distance range,
23 respectively.

24 Roustaei discloses an optic scanning head for reading bar code symbols at variable distance from the
25 symbol which uses LED light sources and CCD detector (see col. 1, lines 52+; col. 2, lines 24+). The
26 scanning head includes a plurality pair illumination being oriented to emit light at different angles and by

1 regulating/modulating the voltage to the LEDs, the intensity of light is adjusted for codes that are placed at a
2 short distance (i.e., a first distance) and a greater distance (i.e., a second distance different from the first
3 distance). Therefore, providing a full power to the LEDs for the maximum scanning distance and decrease
4 the intensity of light from LEDs by lowering the power to the LEDs for a short scanning distance (see col. 6,
5 lines 5+).

6 In view of Roustaei's teaching, it would have been obvious to an artisan of ordinary skill in the art at
7 the time the invention was made to incorporate the scanning head with modulating voltage supply to modulate
8 the intensity of the LEDs in order to provide various illuminating configurations (i.e., various intensity) in
9 order to read the code at variable distance with minimum power consumption.

10 Re claim 42: Wilt teaches the first array of light sources comprises a plurality of light source pairs
11 and with combined figures 5-6, Wilt shows that each pair in turn comprising responsive light sources
12 symmetrically arranged with respect to the optical axis. The light sources symmetrically arranged with respect to the optical axis
13 of the objective lens and aligned along a substantially perpendicular direction to the optical axis. The light
14 sources lying in a first emission plane intersecting the optical axis and the light sensitive elements of the
15 detection means.

16 Re claims 48 and 50: from figures 4-5, Wilt shows that the light system having baffles (94, 96, 132,
17 134), the housing of the LED, mirrors, and a window combined together as a means to prevent the dispersion
18 of the light beam thereby confining the light beam from the first array of light sources within a predetermined
19 reading area. The casing/housing of the LED being a holder element for the plurality of light source pairs
20 which formed with a respective seat for the light sources and seats having respective sidewalls shaped to
21 confine the light beam from each source within the predetermined reading area.

22 Re claims 52 and 62: Wilt teaches that the first array of light source for reading soft mark and the
23 second array of light source which is a broad spectrum incandescent lamps for reading hard marks thereby the
24 plurality of second light sources have a lower light intensity than the sources in the first array of light sources
25 (see col. 6, lines 46+).

1 Re claims 53-54: Wilt shows the second light sources are housed within the casing symmetrically
2 with respect to the optical axis of the objective lens (see figure 6) so as to be aligned to one another in a
3 second emission lay which is different from the first one. Wherein the second light sources are housed within
4 the casing centrally with respect to the first array of light sources and wherein the second emission lay is
5 lower than the first emission lay, i.e., with respect to the lower portion of the light illumination as shown in
6 figure 6.

7 Re claim 49: Although Wilt teaches the light source is provided with a mask 54, 84 for confining the
8 light beam having the first array of light sources having a rectangular shaped masking element associated
9 with the casing at the location of the reading window, he does not teach the mask having a ring shaped.

10 However it would have been obvious design variation to an artisan of ordinary skill in the art at the
11 time the invention was made to utilized the different shape of mask (e.g., rectangular, circular or ring) in the
12 reading device of Wilt in order to accommodate the types of code/image being read and its illumination
13 requirement and thereby obtain best reading results. Furthermore, due to the fact that the variety shape of
14 masks are readily available, choosing the best shape mask in the reader to accommodate the type of optic
15 device, the reading window, visibility of reading substrate, and the sensitivity of the optic sensor would have
16 been an obvious expedient.

17 Re claims 55 and 63: Although Wilt teaches the first array of light sources having a two pairs
18 discrete plastics LEDs and the first and second array of light sources each having different intensity, he does
19 not teach the specifics of the second array of light sources having four SMD plastics LEDs.

20 However it would have been obvious to an artisan of ordinary skill in the art at the time the invention
21 was made to modify type of the light source by utilizing different type of light source in the reader of Wilt in
22 order to accommodate illumination requirements with given optic components therein. Therefore,
23 implementing four SMD plastics LEDs or any other types in the second array of light sources would have
24 been an obvious extension taught by Wilt and would have been an obvious design variation. Accordingly, it
25 would have been an obvious expedient.

1 Re claims 43-44: Wilt does not disclose the light source includes a pair of outward sources and
2 inward sources each disposed in an offset position from the optical axis with a specific angle, α and β ,
3 respectively such that the angle β is smaller than angle α .

4 Roustaei discloses an optic scanning head having plurality pair illumination being oriented to emit
5 light at different angles such that the outward pair of light sources having an offset position from the optic
6 axis with an outward angle (the optic axis defined by optic module 17) and the inward pair of light sources
7 having an offset position from the optic axis with an inward angle thereby the outward angle is smaller than
8 the inward angle (see figure 1).

9 In view of Roustaei's teaching, it would have been obvious to an artisan of ordinary skill in the art at
10 the time the invention was made to incorporate the LED arrangement configuration (i.e., each pair of light
11 emitting at different angles) in the teaching of Wilt in order to create an illumination having a fan of light
12 which illuminating the light symmetrically for better reading results.

13 5. Claims 47, 56-61, 64-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilt as
14 modified by Roustaei as applied to claim 36 above, and further in view of Wang et al. [US 5,521,366]. The
15 teachings of Wilt as modified by Roustaei have been discussed above.

16 Re claim 47: Although Wilt teaches the CCD sensor as a detection means therein, Wilt as modified
17 by Roustaei is silent with respect to the specifics of the detection means being a CMOS sensor.

18 Wang discloses a dataform reader having a casing, an illuminating means 50, 52, a two dimensional
19 array of sensor cells 20 as a detection means, and objective lens 56. Wang discloses the arrangement of the
20 two dimensional array sensor cells which associated with a gain control, focus sensing and exposure control
21 circuitry all integrated into a single chip such as CMOS chip to provide a lower power requirement in the
22 reader (see the abstract and col. 5, lines 38+).

23 In view of Wang's teaching, it would have been obvious to an artisan of ordinary skill in the art at the
24 time the invention was made to incorporate the CMOS technology (i.e., incorporating the two dimensional
25 array sensor cells which with a gain control, focus sensing and exposure control circuitry implemented on a
26 single chip) in the optical code reading device of Wilt as modified by Roustaei in order to provide a lower

1 power consumption in the optical reading device and for the advantage of light weight, cost advantages, and
2 establishing the production techniques (i.e., in a single chip size).

3 Re claims 56-61, 64-67: Although Wilt teaches the illumination system for an optical code reading,
4 i.e., for Optical Character Recognition (OCR) of indicia on a substrate which obviously includes a decoding
5 means and wherein the CCD sensor detects the light intensity of the light scattered from the optical code, Wilt
6 as modified by Roustaei is silent with respect to the process of comparing the outline of the intensity with a
7 reference outlined to activate the light source according to the result of the decoding attempt including the
8 distance measured.

9 Wang discloses the CPU 88 as a means for decoding the optical code (see col. 9, lines 62+ and
10 figures 5-6). The result of decoding attempts (i.e., upon a successful/unsuccessful decoding operation,
11 adjusting the reading distance between the reader and the target), the exposure illumination is turned on.
12 From figures 2 and 5, Wang shows the decoding means coupled to an exposure control device (64, 64a) and a
13 gain control device (60, 60a) to provide start and stop signals usable for beginning and terminating as
14 exposure period. Therefore, the exposure control device monitors the sample image data and when the sample
15 image data indicates that the level of reflected light from the target area has reached a predetermined level, the
16 exposure control device generates a stop signal. Wang further shows the decoding means is also coupled to
17 gain control device (60, 60a) and the focus device (62, 62a) to select an appropriate amplitude gain and offset
18 signal to apply to the sensor array amplifier in the sensor which obviously includes the means for comparing
19 the intensity with a reference intensity and the means to varying the amplification level of the electric signals
20 generated by the detection means. Col.8, lines 59+ and figure 6 illustrate the specifics of operation process.

21 It would have been obvious to an artisan of ordinary skill in the art at the time the invention was
22 made to incorporate the decoding means, gain control device, focus device, and the process of comparing the
23 intensity with a reference intensity to vary the intensity in the system of Wilt as modified by Roustaei in order
24 to increase the imaging accuracy and provide a reliable optical code apparatus.

Allowable Subject Matter

6. Claims 71-72, 73, 74-78 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: the best prior art of record, Wilt as modified by Roustaei and Wang does not teach or fairly suggest optical code reader having a device for widening the angle of the emitting beam along the direction of alignment of the first array of light sources and narrowing the angle of the emitting beam along the perpendicular direction to the first emission lay, and a converting device having a main digitalizer and an auxiliary digitalizer and wherein the sensitivity of the auxiliary digitalizer is higher than the main digitalizer which is used to provide the specifics of the setting/switching mode having different configuration mode, as set forth in the claims.

Response to Arguments

8. Applicant's arguments filed 7/29/02 have been fully considered but they are not persuasive.

9. In response to applicant's argument of the newly introduced features with respect to Wilt reference, i.e., selectively activating the light sources of the first and second array of light sources in order to define different illumination configurations, corresponding to respective different selections of the light sources (see page 6, lines 19+), the examiner respectfully disagrees. Wilt teaches that each illumination configuration corresponds to the specific selection of the source and intensity selected by the operator for adjusting the illumination for plurality of optical code viewing condition and wherein each illumination configurations being different accordance to the selection made by the operator (see col. 7, lines 40+). With respect to the each selection for different distance range (i.e., Wilt does not teach the different illuminating configurations for illuminating an optical code placed at variable distance ranges). Roustaei discloses an optic scanning head for reading bar code symbols at variable distance from the symbol which uses LED light sources and CCD detector (see col. 1, lines 52+; col. 2, lines 24+). The scanning head includes a plurality pair illumination being oriented to emit light at different angles and by regulating/modulating the voltage to the

1 LEDs, the intensity of light is adjusted for codes that are places at a short distance (i.e., a first distance) and a
2 greater distance (i.e., a second distance different from the first distance). Therefore, providing a full power to
3 the LEDs for the maximum scanning distance and decrease the intensity of light from LEDs by lowering the
4 power to the LEDs for a short scanning distance (see col. 6, lines 5+). In view of Roustaei's teaching, it
5 would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to
6 incorporate the scanning head with modulating voltage supply to modulate the intensity of the LEDs in order
7 to provide various illuminating configurations (i.e., various intensity) in order to read the code at variable
8 distance with minimum power consumption.

9 10. In response to applicant's argument with respect to Roustaei that Roustaei teaches to activate all the
10 light source and that Roustaei does not teach to select the light sources to be activated (see page 9, lines 4+);
11 the examiner respectfully disagrees. The process of selecting the light sources to be activated is taught by
12 Wilt. Wilt teaches that the light sources are selected and activated, i.e., Wilt teaches that each illumination
13 configuration corresponds to the specific selection of the source and intensity selected by the operator for
14 adjusting the illumination for plurality of optical code viewing condition and wherein each illumination
15 configurations being different accordance to the selection made by the operator (see col. 7, lines 40+ and also
16 see the discussion above).

17 18 *Conclusion*

19 11. Any inquiry concerning this communication or earlier communications from the examiner should be
20 directed to **Diane I. Lee** whose telephone number is (703) 306-3427. The examiner can normally be reached
21 between the hours of 7:00AM to 4:30PM Monday thru Thursday and every other Friday (first Friday of the
22 bi-week).

23 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael
24 Lee, can be reached on (703) 305-3503. The fax phone number for this Group is (703) 308-7722.

25 Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132
26 or which otherwise require a signature, may be used by the applicant and should be addressed to
27 [michael.lee@uspto.gov].

1 All Internet e-mail communications will be made of record in the application file. PTO employees
2 do not engage in Internet communications where there exists a possibility that sensitive information could be
3 identified or exchanged unless the record includes a properly signed express waiver of the confidentiality
4 requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published
5 in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

6 Any inquiry of a general nature or relating to the status of this application or proceeding should be
7 directed to the Group receptionist whose telephone number is (703) 308-0956.

8
9
10 

11 Diane I. Lee
12 Primary Examiner
13 Art Unit 2876
14

August 27, 2002